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United States of America  
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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 DONIS ARIEL MALDONADO,  
15 Defendant.

CASE NO. 1:21-CR-00027-JLT-SKO  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
DATE: December 6, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Sheila K. Oberto

16  
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through their counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status conference on December 6, 2023. In  
21 addition, the Court has ordered the parties to set a trial date.

22 2. The parties agree that the setting of a trial date at this time would not serve the interest of  
23 justice. Although an indictment was filed in this case on January 28, 2021, the indictment did not  
24 charge the defendant with any crime and he did not appear in the case until after the filing of a  
25 superseding indictment on May 20, 2022. (Doc. 47.) The original counsel for the United States also did  
26 not produce discovery to defense counsel but required defense counsel to review the discovery in the  
27 U.S. Attorney's Office and would not allow the discovery to be provided to the defendant. Recently, the  
28 currently assigned counsel for the United States determined that discovery may be produced, as the

1 security concerns that originally justified requiring defense to review discovery in the U.S. Attorney's  
2 Office are no longer present. Counsel for the defendant needs additional time to review the materials  
3 documenting the nearly year-long investigation by the FBI and High Intensity Drug Trafficking Area  
4 task force in Fresno.

5       3.      The parties are engaged in ongoing negotiations and believe a resolution of the case is  
6 likely.

7       4.      By this stipulation, defendant now moves to continue the status conference until April 3,  
8 2024, and to exclude time between December 6, 2023, and April 3, 2024, under 18 U.S.C.  
9 § 3161(h)(7)(A), B(iv) [Local Code T4].

10       5.     Defense counsel will be unavailable for significant periods of time from January through  
11 mid-March 2024.

12       6.     The parties agree and stipulate, and request that the Court find the following:

13           a)     The government has represented that the discovery associated with this case  
14 includes numerous reports, photographs, and recordings. The government is currently producing  
15 discovery to defense counsel that defense counsel was previously required to review in the U.S.  
16 Attorney's Office. The government is aware of its ongoing discovery obligations.

17           b)     The parties are in ongoing plea negotiations.

18           c)     Counsel for defendant desires additional time to consult with his client, review the  
19 current charges, conduct investigation, review/copy discovery, discuss potential resolutions with  
20 their client, prepare pretrial motions, and/or to otherwise prepare for trial.

21           d)     Counsel for defendant believes that failure to grant the above-requested  
22 continuance would deny them the reasonable time necessary for effective preparation, taking into  
23 account the exercise of due diligence.

24           e)     The government does not object to the continuance.

25           f)     Based on the above-stated findings, the ends of justice served by continuing the  
26 case as requested outweigh the interest of the public and the defendants in a trial within the  
27 original date prescribed by the Speedy Trial Act.

28           g)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,

et seq., within which trial must commence, the time period of December 6, 2023, to April 3, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

7. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 22, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ KAREN A. ESCOBAR  
KAREN A. ESCOBAR  
Assistant United States Attorney

Dated: November 22, 2023

/s/ KEVIN ROONEY  
KEVIN ROONEY  
Counsel for Defendant  
DONIS ARIEL MALDONADO

## ORDER

The parties' request to continue the status conference to April 3, 2024, is GRANTED. Time is excluded between December 6, 2023, and April 3, 2024, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) .

The Parties *shall* select a mutually agreeable trial date at the next status conference.

IT IS SO ORDERED.

Dated: November 27, 2023

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE